for individuals not currently authorized access to the NSA headquarters.

§ 322.7 Procedures for amendment.

(a) *Request procedure.* Any request for amendment of a record or records contained in a system of records shall be in writing addressed to the Information Officer, National Security Agency, Fort George G. Meade, Md. 20755, Attention: Privacy Act Amendment, and shall contain sufficient details concerning the requested amendment, justification for the amendment, and a copy of the record(s) to be amended or sufficient identifying data concerning the affected record(s) to permit its timely retrieval. Such requests may not be used to accomplish actions for which other procedures have been established such as grievances, performance appraisal protests, etc. In such cases the requester will be advised of the appropriate procedures for such actions.

(b) *Initial determination:* The NSA Information Officer may make an initial determination concerning the requested amendment within ten working days or shall acknowledge receipt of the amendment request within that period if a determination cannot be completed. The determination shall advise the requester of action taken to make the requested amendment or inform the requester of the rejection of the request, the reason(s) for the rejection and the procedures established by the Agency for review of rejected amendment requests.

(c) *Request on appeal:* A requester may appeal the rejection by the NSA Information Officer of a request for amendment to the Executive for Staff Services. Such appeal shall be in writing, addressed to the Executive for Staff Services, National Security Agency, Fort George G. Meade, Md. 20755, Attention: Privacy Act Amendment Appeal.

§ 322.8 Appeal determination.

The Executive for Staff Services shall acknowledge receipt of the appeal within ten working days. A determination concerning the appeal shall be provided to the requester within 30 working days, unless the Director, National Security Agency, extends the period for good cause. The Executive for Staff Services shall advise the requester of the action taken to make the requested amendment or inform the requester of the rejection of the appeal, the right to submit for incorporation in the file containing the disputed record(s) a concise statement of disagreement, and notify the requester of the right of judicial review of the denial pursuant to subsection (g)(1)(A) of 5 U.S.C. 552a.

§ 322.9 Fees.

A fee may be charged for the reproduction of copies of any requested records, provided one copy is made available without charge where access is limited to mail service only. Fees shall be charged in accordance with The Uniform Schedule of Fees established by the Department of Defense pursuant to Pub. L. 93–502.

§ 322.10 Specific exemptions.

(a)(1) The following National Security Agency systems of records, published in the FEDERAL REGISTER, are specifically exempted from the provisions of 5 U.S.C. 552a, subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) pursuant to subsection (k) of section 552a to the extent that each system contains individual records or files within the category or categories provided by subsection (k). Notice is hereby given that individual records and files within each NSA system of records may be subject to specific provisions of Pub. L. 86–36, Pub. L. 88–290 and Title 18 U.S.C. 798 and other laws limiting access to certain types of information or application of laws to certain categories of information.

(2) In addition, those records maintained pursuant to notice of systems of records published by the CSC are exempted pursuant to Title 5 U.S.C. 552a(k)(1) to the extent that they contain classified information in order to protect such information from unauthorized disclosure. Such records may also be subject to other specific exemptions pursuant to rules promulgated by the CSC.

(b) Systems of records subject to specific exemptions:

(1) *System name:* NSA/CSS Access, Authority and Release of Information File.

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 322.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the rec- ords in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted, not otherwise protected from unauthorized disclosure, and which would not undermine the integrity of the controlled access system.

(2) *System name:* NSA/CSS Applicants

Exemption: This system of records is exempted from the sections of Title 5 U.S.C. 552a cited in paragraph 322.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the rec- ords in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purposes of determining suitability; eligibility; qualifications for Federal civilian employment; Federal contracts; or access to classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not subject to this exemption, nor otherwise protected from unauthorized disclosure.

(3) *System name:* NSA/CSS Correspondence, Cases, Complaints, Visitors, Requests

Exemption: This system of records is exempted from the sections of Title 5 U.S.C. 552a cited in §322.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(2), (k)(4), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the rec- ords in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(2) to protect from unauthorized disclosure individual records and files which constitute investigatory material compiled for law enforcement purposes pursuant to a lawful national security intelligence investigation and maintain the integrity of the personnel security system required by Pub. L. 88–290. The exemption does not limit access to that portion of the records in the system which are not investigatory material which are not exempted or otherwise protected from unauthorized disclosure.

This system is exempted from all subsections cited pursuant to exemption (k)(4) where individual records and files are maintained and used solely for statistical records in accordance with statutory requirements to insure compliance with those requirements with a minimum of administrative burden and expense.

This system is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability; eligibility; qualifications for Federal civilian employment, Federal contracts; or access to classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not subject to this exemption or otherwise protected from unauthorized disclosure.

(4) *System name:* NSA/CSS Cryptologic Reserve Mobilization Designee List

Exemption: This system of records is exempted from the sections of Title 5 U.S.C. 552a cited in §322.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a (k) (1), (k) (5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to prevent the unauthorized disclosure of classified information concerning anticipated personnel assignments to sensitive cryptologic positions during periods of national emergency or war requiring reserve mobilization.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting

investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for designation for mobilization to fill a sensitive cryptologic position or access to classified material as a result of designation for mobilization.

(5) *System name:* NSA/CSS Equal Employment Opportunity Data

Exemption: This system of records is exempted from the sections of Title 5 U.S.C. 552a cited in § 322.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k) (1), (k) (2), (4)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the rec- ords in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(4) to protect the integrity of those statistical records compiled for Equal Employment Opportunity purposes.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(2) to the extent that individual records and files are related to investigations to enforce the provisions of Pub. L. 92–261 and consistent with the provisions of that statute with respect to individual access to such records. The purpose of the exemption is to protect the integrity of investigations conducted pursuant to Pub. L. 92–261.

(6) *System name:* NSA/CSS Health, Medical and Safety Files

Exemption: This system of records is exempted from sections of Title 5 U.S.C. 552a cited in § 322.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k) (1), (k) (5), (k) (6).

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the rec- ords in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(6) to protect those testing or examination materials used solely to determine individual qualifications for employment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(7) *System name:* NSA/CSS Motor Vehicles and Carpools

Exemption: This system of records is exempted from the sections of Title 5 U.S.C. 552a cited in § 322.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure any and all classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

(8) *System name:* NSA/CSS Payroll and Claims

Exemption: This system of records is exempted from the sections of Title 5 U.S.C. 552a cited in § 322.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k) (1), (k) (2)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up this system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(2) to protect investigatory materials related to the enforcement of laws with respect to claims against the Government. The exemption does not limit access to that portion of the records in the system not related to investigations of claims or otherwise protected from unauthorized disclosure.

(9) *System name:* NSA/CSS Personnel File

Exemption: This system of records is exempted from the sections of Title 5 U.S.C. 552a cited in § 322.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k) (1), (k) (5), (k) (6)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up

the system. The exemption does not limit access to that portion of the rec- ords in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(6) to protect those testing or examination materials used solely to determine individual qualifications for employment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(10) *System name:* NSA/CSS Personnel Security File

Exemption: This system of records is exempted from the sections of Title 5 U.S.C. 552a cited in § 322.10(a) and is subject to the limitations noted in that paragraph.

AUTHORITY: 5 U.S.C. 552a (k)(1), (k)(2), (k)(5), and (k)(6)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the rec- ords in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(2) to protect investigatory materials compiled for purposes of enforcement of Pub. L. 88–290 and title 18 U.S.C. 798 as well as other appropriate criminal and civil laws related to the protection of sensitive cryptologic information. Both statutes cited require the Director, NSA, to observe special procedures and standards in permitting access to sensitive cryptologic information and provide statutory authority to act when those standards are breached. The materials contained in this system are of an investigatory nature, are maintained on a continuing basis and are used to insure compliance with and enforcement of the cited statutes.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian

employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(6) to protect testing or examination materials and procedures, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(11) *System name:* NSA/CSS Time, Attendance, and Absence

Exemption: This system of records is exempted from the sections of Title 5 U.S.C. 552a cited in § 322.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the rec- ords in the system which are not classified or otherwise protected from unauthorized disclosure.

(12) *System name:* NSA/CSS Training

Exemption: This system of records is exempted from the sections of Title 5 U.S.C. 552a cited in § 322.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a (k)(1), (k)(5), (k)(6).

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(6) to protect those testing or examination materials used solely to determine individual qualifications for employment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(13) *System name:* NSA/CSS Archival Records.

Exemption: This system is exempted from the sections of Title 5 U.S.C. 552a cited in §322.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1) and (k)(4).

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the rec- ords in the system which are not classified or otherwise protected from unauthorized disclosure.

This system is exempted from all subsections cited pursuant to exemption (k)(4) where individual records and files are maintained and used solely for statistical compliance with those requirements with a minimum of administrative burden and expense.

(14) *System Identification and Name—* GNSA14, entitled ''NSA/CSS Library Patron File Control System''.

*Exemption—*Portions of this system which fall within 5 U.S.C. 552a (k)(1) and (k)(4) are exempt from the following provisions of 5 U.S.C. 552a, sections (c)(3), (d) (1)–(5), (e)(1), (e)(4) (G)–(I), and (f) (1)–(5).

*Authority—*5 U.S.C. 552a (k)(1) and (k)(4).

*Reasons—*This record system is exempted from all subsections pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This record system is exempted from all subsections pursuant to exemption (k)(4) to protect from unauthorized disclosure records maintained for statistical research or program evaluation. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

(15) *System Identification and Name—* GNSA15, entitled ''NSA/CSS Computer Users Control System''.

*Exemption—*Portions of this system which fall within 5 U.S.C. 552a (k)(1) and (k)(2) are exempt from the following provisions of 5 U.S.C. 552a, sections (c)(3), (d) (1)–(5), (e)(1), (e)(4) (G)–(I), and (f) (1)–(5).

*Authority—*5 U.S.C. 552a (k)(1) and (k)(2).

*Reasons—*This system of records is exempted from all subsections pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(2) to the extent that individual records and files are related to investigations to enforce the provisions of Pub. L. 88–290 and consistent with the provisions of that statute with respect to individual access to such records. The purpose of the exemption is to protect the integrity of investigations conducted pursuant to Pub. L. 88–290.

(16) *System Identification and Name—* GNSA16, entitled ''NSA/CSS Drug Testing Program''.

*Exemption—*Portions of this system which fall within 5 U.S.C. 552a(k)(1) are exempt from the following provisions of 5 U.S.C. 552a, sections (c)(3), (d) (1)–(5), (e)(1), (e)(4) (G)–(I), and (f) (1)–(5).

*Authority—*5 U.S.C. 552a(k)(1).

*Reasons—*This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system.

(17) *System Identification and Name—* GNSA17, entitled ''Employee Assistance Service (EAS) Case Record System''.

*Exemption—*Portions of this system which fall within 5 U.S.C. 552a (k)(1), (k)(2), (k)(4) and (k)(5) are exempt from the following provisions of 5 U.S.C. 552a, sections (c)(3), (d) (1)–(5), (e)(1), (e)(4) (G)–(I), and (f) (1)–(5).

*Authority—*5 U.S.C. 552a (k)(1), (k)(2), (k)(4), and (k)(5).

*Reasons—*This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system.

This system of records is exempted from all subsections cited pursuant to exemption (k)(2) to the extent that individual records and files are related to investigations to enforce the provisions of Public Law 92–261 and consistent with the provisions of that statute with respect to individual access to such records. The purpose of the exemption is to protect the integrity of investigations conducted pursuant to Public Law 92–261.

This record system is exempted from all subsections pursuant to exemption (k)(4) to protect from unauthorized disclosure records maintained for statistical research or program evaluation. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, federal contracts, or access to

classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

(18) *System identification and name*—GNSA18, NSA/CSS Operations Files.

Exemption—Portions of this record system may be exempted from subsections of 5 U.S.C. 552a (c)(3), (d)(1)—(5), (e)(4)(G)—(I), and (f)(1)—(5).

Authority—5 U.S.C. 552a(k) (1), (2) and (5).

Reasons—Subsection (c)(3) because there may be occasions when making an accounting available to the individual named in the record at his or her request, would reveal classified information. The release of accounting of disclosure would inform a subject that he or she is under investigation. This information would provide considerable advantage to the subject in providing him or her with knowledge concerning the nature of the investigation and the coordinated investigative efforts and techniques employed by the cooperating agencies.

Subsection (d) because granting access and/or subsequent amendment to the record would reveal classified information. It may also alert a subject to the fact that an investigation of that individual is taking place, and might weaken the on-going investigation, reveal investigatory techniques, and place confidential informants in jeopardy. NSA/CSS may refuse to confirm or deny the existence of a particular record because to do so would reveal classified information.

Subsection (e)(4)(G), (e)(4)(H), and (e)(4)(I). Although NSA/CSS has published procedures whereby an individual can be notified if a particular record system contains information about themselves; how to gain access to that information; and the source of the information, there may be occasions when confirming that a record exists, granting access, or giving out the source of the information would reveal classified information.

Subsection (f) because the agency's rules are inapplicable to those portions of the system that are exempt and would place the burden on the agency of either confirming or denying the existence of a record pertaining to a requesting individual. The confirming or denying might, in itself, provide an answer to that individual relating to an on-going criminal investigation. The conduct of a successful investigation leading to the indictment of a criminal offender precludes the applicability of established agency rules relating to verification of record, disclosure of the record to that individual, and record amendment procedures for this record system. Also, because this record system is ex-

empt from the individual access provisions of subsection (d).

[40 FR 44294, Sept. 25, 1975, as amended at 45 FR 80106, Dec. 3, 1980; 52 FR 41711, Oct. 30, 1987; 55 FR 34907, Aug. 27, 1990; 56 FR 16007, Apr. 19, 1991. Redesignated at 56 FR 55631, Oct. 29, 1991, as amended at 56 FR 57803, Nov. 14, 1991]

PART 323—DEFENSE LOGISTICS AGENCY PRIVACY PROGRAM

AUTHORITY: Privacy Act of 1974, Pub. L. 93–579, Stat. 1896 (5 U.S.C. 552a).

SOURCE: DLAR 5400.21, 51 FR 33595, Sept. 22, 1986, unless otherwise noted. Redesignated at 56 FR 57803, Nov. 14, 1991.

§ 323.1 Purpose and scope.

This part 323 implements the Privacy Act of 1974 (5 U.S.C. 552a) and DoD Directive and DoD Regulation 5400.11, Department of Defense Privacy Program (32 CFR part 286a). It applies to Headquarters, Defense Logistics Agency (HQ DLA) and all DLA field activities.

§ 323.2 Policy.

It is the policy of DLA to safeguard personal information contained in any system of records maintained by DLA activities and to make that information available to the individual to whom it pertains to the maximum extent practicable. DLA policy specifically requires that DLA activities: